

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE ARC AIRBAGS INFLATORS
PRODUCTS LIABILITY
LITIGATION

MDL No. 3051
Case No. 1:22-md-3051-ELR

Hon. Eleanor L. Ross

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY IN
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS¹**

Plaintiffs' Notice of Supplemental Authority (Dkt. 286) argues that Judge Geraghty's recent decision in *McClure v. Toyota Motor Corp.* ruled in Plaintiffs' favor on issues germane to this case. But Plaintiffs ignore that Judge Geraghty dismissed the unjust enrichment claim on one of the grounds Defendants suggested here. See Dkt. 286-1 at 49-51.

Plaintiffs also ignore the important differences between *McClure* and this consolidated litigation. In *McClure*, a single plaintiff from a single state (Georgia) sued a single automaker (Toyota) alleging a defect in a single vehicle (the RAV4) in a single model year (2020). By contrast, this case involves 115 named plaintiffs from 36 states, who purchased scores of different model vehicles manufactured by or

¹ All Defendants join in filing this Response.

containing parts from nine different manufacturer groups and five different suppliers over multiple decades. *McClure* does not involve any intermediate suppliers, nor does it address claims against them. Further, the plaintiff in *McClure* alleged that he actually and repeatedly experienced the alleged defect (a “parasitic drain” on the vehicle’s battery) starting within months of purchase, disabling the vehicle. In contrast, none of the Plaintiffs here claim to have experienced an inflator malfunction despite years—or even decades—of driving. And *McClure* was a single putative class action filed in this District, not an MDL that combines cases filed in federal courts across the country raising distinct issues under the laws of all 50 states—plus unique jurisdictional considerations to boot. These distinct circumstances form the basis for many of the *McClure* court’s rulings, which are inapposite here.

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/s/ April N. Ross

MORGAN LEWIS & BOCKIUS, LLP

April N. Ross

1111 Pennsylvania Avenue NW

Washington, DC 20004

Telephone: (202) 739 - 5590

april.ross@morganlewis.com

MORGAN LEWIS & BOCKIUS, LLP

Mohamed Awan

110 North Wacker Drive
Chicago, IL 60606
Telephone: (312) 324-1574
mohamed.awan@morganlewis.com

BAKER DONELSON,
BEARMAN, CALDWELL &
BERKOWITZ, PC
Linda A. Klein
(GA Bar No. 425069)
Monarch Plaza, Suite 1500
3414 Peachtree Rd., NE
Atlanta, Georgia 30326
Telephone: (404) 577-6000
lklein@bakerdonelson.com

Counsel for General Motors LLC

/s/ Eric S. Mattson
SIDLEY AUSTIN LLP
Eric S. Mattson
Kendra Stead
Ankur Shingal
One South Dearborn St. Chicago, IL
60603
(312) 853-7000
Fax: (312) 853-7036
emattson@sidley.com
kstead@sidley.com
ashingal@sidley.com

Ellyce R. Cooper
1999 Avenue of the Stars
17th Floor
Los Angeles, CA 90067
(213) 896-6000
Fax: (213) 896 6600
ecooper@sidley.com

BOWMAN AND BROOKE
Joel H. Smith
Patrick J. Cleary
1441 Main St., Suite 1200
Columbia, SC 29201
(803) 726-7422
Fax: (803) 726-7421
joel.smith@bowmanandbrooke.com
patrick.cleary@bowmanandbrooke.com

DYKEMA GOSSETT, PLLC-MI
James P. Feeney
Suite # 300
39577 Woodward Avenue
Bloomfield Hills, MI 48304
(248) 203-0841

Fax: (855)243-9885
jfeeney@dykema.com

NELSON MULLINS RILEY &
SCARBOROUGH LLP
Anita Wallace Thomas
Suite 1700
201 17th Street, N.W.
Atlanta, GA 30363
(404) 322-6000
Fax: 404-322-6050
anita.thomas@nelsonmullins.com

*COUNSEL FOR DEFENDANTS KIA
AMERICA, INC. AND HYUNDAI
MOTOR AMERICA*

s/ Michael B. Shortnacy
Livia M. Kiser
Susan V. Vargas
KING & SPALDING LLP
633 West Fifth Street, Suite 1600
Los Angeles, CA 90071
(213) 443-4355
Fax: (213) 443-4310
lkiser@kslaw.com
svargas@kslaw.com

Michael B. Shortnacy
SHOOK, HARDY & BACON L.L.P.
2121 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
(424) 324-3494
Fax: (424) 204-9093
mshortnacy@shb.com

*COUNSEL FOR DEFENDANTS AUDI
OF AMERICA, LLC AND
VOLKSWAGEN GROUP OF
AMERICA, INC.*

/s/ Eric Y. Kizirian
LEWIS BRISBOIS BISGAARD &
SMITH, LLP
Eric Y. Kizirian
Zourik Zarifian
633 West 5th Street, Suite 4000
Los Angeles, CA 90071
(213) 250-1800
Fax: (213) 250-7900
eric.kizirian@lewisbrisbois.com
zourik.zarifian@lewisbrisbois.com

*COUNSEL FOR DEFENDANTS BMW
OF NORTH AMERICA, LLC AND
BMW MANUFACTURING CO., LLC.*

/s/ David S. Killoran
DYKEMA GOSSETT LLP
David S. Killoran
444 S. Flower, Suite 2200
Los Angeles, CA 90071
(213) 457-1800
dkilloran@dykema.com

DYKEMA GOSSETT PLLC
Eric Tew
1301 K Street NW
Suite 1100 West
Washington, D.C. 20005
(202) 906-8600

etew@dykema.com

*COUNSEL FOR DEFENDANT
PORSCHE CARS NORTH AMERICA,
INC.*

/s/ Stephen A. D'Aunoy
KLEIN THOMAS LEE & FRESARD
Stephen A. D'Aunoy
Thomas L. Azar, Jr.
Suite 1600
100 N Broadway
St. Louis, MO 63102
(314) 888-2971
steve.daunoy@kleinthomaslaw.com
tom.azar@kleinthomaslaw.com

KLEIN THOMAS LEE & FRESARD
Fred Fresard
Ian Edwards
Lauren Fibel
101 W. Big Beaver Road, Ste. 1400
Troy, MI 48084
(248) 509-9270
fred.fresard@kleinthomaslaw.com
ian.edwards@kleinthomaslaw.com
lauren.fibel@kleinthomaslaw.com

*COUNSEL FOR DEFENDANT FCA
US LLC*

/s/ Perry W. Miles IV
MCGUIREWOODS LLP
Perry W. Miles IV
Brian D. Schmalzbach

800 East Canal Street
Richmond, VA 23219
(804) 775-1000
Fax: (804) 775-1061
pmiles@mcguirewoods.com
bschmalzbach@mcguirewoods.com

Lee K. Royster
201 North Tryon Street
Suite 3000
Charlotte, NC 28202
(704)-343-2000
Fax: (704) 343-2300
lroyster@mcguirewoods.com

WATSON SPENCE LLP
Michael R. Boorman
Phillip A. Henderson
600 Peachtree St NE, Suite 1130
Atlanta, GA 30308
(678) 433-6586
Fax: (229) 436-6358
mboorman@watsonspence.com
phenderson@watsonspence.com

*COUNSEL FOR DEFENDANT FORD
MOTOR COMPANY*

/s/ Michael D. Leffel
FOLEY & LARDNER LLP
Michael D. Leffel
150 East Gilman Street, Suite 5000
Madison, WI 53703
(608) 257-5035
Fax: (608) 258-4258
mleffel@foley.com

Jeff Soble
Lauren Loew
321 N Clark Street, Suite 3000
Chicago, IL 60654
(312) 832-4500
jsoble@foley.com
lloew@foley.com

*COUNSEL FOR DEFENDANT ARC
AUTOMOTIVE, INC.*

/s/ Joseph G. Petrosinelli
Joseph G. Petrosinelli
J. Liat Rome
WILLIAMS AND CONNOLLY LLP
680 Maine Ave., S.W.
Washington, DC 20024
(202) 434-5000
Fax: (202) 434-5029
jpetrosinelli@wc.com
jrome@wc.com

Cari K. Dawson
Georgia Bar No. 213490
Kara F. Kennedy
Georgia Bar No. 926006
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309
(404) 881-7000
Fax: (404) 881-7777
cari.dawson@alston.com
kara.kennedy@alston.com

*COUNSEL FOR DEFENDANTS
AUTOLIV, INC. AND AUTOLIV ASP,
INC.*

/s/ Benjamin W. Jeffers
HICKEY HAUCK BISHOFF
JEFFERS & SEABOLT, PLLC
Benjamin W. Jeffers
Benjamin I. Shipper
Andrew M. Gonyea
1 Woodward Avenue, Suite 2000
Detroit, MI 48226
(313) 964-8600
Fax: (313) 964-8601
bjeffers@hbjbs.com
bshipper@hbjbs.com
agonyea@hbjbs.com

*COUNSEL FOR DEFENDANT KEY
SAFETY SYSTEMS, INC. D/B/A
JOYSON SAFETY SYSTEMS*

/s/ Sean M. Berkowitz
Sean M. Berkowitz
Arthur F. Foerster
Johanna Spellman
LATHAM & WATKINS LLP
330 North Wabash Street, Suite 2800
Chicago, IL 60611
(312) 876.7700
Fax: (312) 993-9767

Sean P. McNally
TROUTMAN PEPPER HAMILTON
SANDER LLP

4000 Town Center, Suite 1800
Southfield, MI 48075
(248) 359-7317
Fax: (248) 359-7700

Lindsey B. Mann
TROUTMAN PEPPER HAMILTON
SANDER LLP
600 Peachtree Street, Suite 3000
Atlanta, GA 30308
(404) 885-2743
Fax: (404) 962-6538

*COUNSEL FOR ZF ACTIVE SAFETY
AND ELECTRONICS US LLC, ZF
PASSIVE SAFETY SYSTEMS US INC.,
ZF AUTOMOTIVE US INC., AND ZF
TRW AUTOMOTIVE HOLDINGS
CORP.*

/s/ Joseph C. Weinstein
Joseph C. Weinstein
Roger M. Gold
Squire Patton Boggs (US) LLP
1000 Key Tower
127 Public Square
Cleveland, OH 44114-1304
(216) 479-8500
Fax: (216) 479-8780
joe.weinstein@squirepb.com
roger.gold@squirepb.com

Dara D. Mann
Georgia Bar No. 469065
Deborah Lempogo
Georgia Bar No. 277943

Squire Patton Boggs (US) LLP
1230 Peachtree Street NE
Suite 2200
Atlanta, GA 30309
(678) 272-3222
Fax: (678) 272-3211
dara.mann@squirepb.com
deborah.lempogo@squirepb.com

Daniel C. Harkins
Squire Patton Boggs (US) LLP
1120 Avenue of the Americas, 13th Fl.
New York, NY 10036
(212) 872-9890
Fax: (212) 872-9815
daniel.harkins@squirepb.com

*COUNSEL FOR TG MISSOURI
CORPORATION*

CERTIFICATE OF SERVICE

I certify that on January 6, 2025, a copy of the foregoing DEFENDANTS' RESPONSE TO PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS was served electronically through the Court's electronic filing system upon all parties appearing on the court's ECF service list.

/s/ April N. Ross

MORGAN LEWIS & BOCKIUS, LLP

April N. Ross

1111 Pennsylvania Avenue NW

Washington, DC 20004

Telephone: (202) 739 - 5590

april.ross@morganlewis.com

MORGAN LEWIS & BOCKIUS, LLP

Mohamed Awan

110 North Wacker Drive

Chicago, IL 60606

Telephone: (312) 324-1574

mohamed.awan@morganlewis.com

BAKER DONELSON,

BEARMAN, CALDWELL &

BERKOWITZ, PC

Linda A. Klein

(GA Bar No. 425069)

Monarch Plaza, Suite 1500

3414 Peachtree Rd., NE

Atlanta, Georgia 30326

Telephone: (404) 577-6000

lklein@bakerdonelson.com